



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

October 14, 2014

1410-VS-12

Exhibit 1

**Petition Number:** 1410-VS-12

**Subject Site Address:** 2480 East 146<sup>th</sup> Street (the "Property")

**Petitioner:** Westfield One, LLC by Kite Realty Group (the "Petitioner")

**Request:** The petitioner is requesting Variances of Standard from the Westfield-Washington Township Unified Development Ordinance to allow a Monument Sign (Article 6.17(J)(2)) in the Special Business-Planned Development (SB-PD) District.

**Current Zoning:** SB-PD (Special Business-Planned Development) District

**Current Land Use:** Business (shopping center)

**Approximate Acreage:** 8.3 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Proposed Sign Location Exhibit
4. Proposed Sign Elevation Exhibit
5. Existing 146<sup>th</sup> Street Monument Sign
6. Existing 146<sup>th</sup> Street Entrance Sign
7. Existing Conditions: 146<sup>th</sup> Street/Oak Road

**Staff Reviewer:** Kevin M. Todd, AICP

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**Petition History**

This petition will receive a public hearing at the October 14, 2014, Board of Zoning Appeals meeting.

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**Analysis**

**Location:** The Property is located within the Cool Creek Commons shopping center, on the north side of 146<sup>th</sup> Street at Oak Road (see **Exhibit 2**).

**Property Development History:** Cool Creek Commons is an outdoor shopping center that received its original approval in 2003 under the SB-PD (Special Business – Planned Development) District (0304-DP-09). In 2007, an outlot in the shopping center was also approved (0705-DP-06).



Variance History: In 2003, the Board of Zoning Appeals approved five (5) variance of development standard requests to the sign ordinance that was in place at that time: (i) 0301-VS-001 varied the pole sign height/definition; (ii) 0301-VS-002 allowed both an entrance sign and a monument sign to contain the same business development information; (iii) 0301-VS-003 allowed the shopping center to have two (2) entrance signs; (iv) 0301-VS-004 increased the allowable size and sign area allotment for wall signage; and (v) 0301-VS-014 allowed wall signage to face an adjacent residential district. Since the approval of the 2003 variances, the City's sign ordinance has substantially changed, and none of those requests would be necessary under the current sign ordinance.

In 2012, the Board of Zoning Appeals approved two (2) variances of development standard requests: (i) 1201-VS-02 allowed a tenant the ability to locate a wall sign on a part of the building that is part of that tenant's physical space; and (ii) 1201-VS03 allowed the shopping center entrance sign on 146<sup>th</sup> Street the ability to include tenant information (see **Exhibit 6**)

Variance Request: The Petitioner has filed this variance request to allow a Monument Sign on the southwest corner of shopping center's western-most 147<sup>th</sup> Street entrance (see **Exhibit 3 and Exhibit 4**). The proposal is to duplicate the Monument Sign that currently is at the shopping center's main 146<sup>th</sup> Street entrance (see **Exhibit 5**). The proposed Monument sign would have a maximum Sign Height of 20 feet and a maximum Sign area of 250 square feet (see **Exhibit 4**) – the proposed sign size (height and square footage) complies with the City's current Monument Sign standards for nonresidential centers of this size.

The City's current sign standards (as noted below) only allow one (1) Monument Sign for the Property:

Nonresidential Center Signs; Monument Signs (Center Only)(Article ): The City's current sign standards states that "Monument Sign<sup>1</sup> for Nonresidential Centers<sup>2</sup> greater than one hundred thousand (100,000) building square feet shall be permitted one (1) monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face."

Existing Signs: There is currently a Monument Sign at the shopping center's main 146<sup>th</sup> Street entrance (see **Exhibit 5**) and an entrance sign with tenant information (per variance 1201-VS-03) (see **Exhibit 6**) at a secondary 146<sup>th</sup> Street entrance. A second entrance sign at 147<sup>th</sup> Street and Oak Road (as identified in exhibits for variance number 0301-VS-003) does not exist on the site (see **Exhibit 7**). All existing signage would remain.

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<sup>1</sup> The Zoning Ordinance defines "Sign, Monument" as "[a] Sign which is permanently fixed to the ground."

<sup>2</sup> The Zoning Ordinance defines "Nonresidential Center" as "any building or combination of buildings with more than one occupant or business. A nonresidential center may include one or more outlots."



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Neighborhood Conditions: All property immediately surrounding the location of the proposed Monument Sign is zoned SB-PD and is commercial in use. Vehicular traffic patterns have changed in this area since the shopping center was approved in 2003, and 147<sup>th</sup> Street sees more traffic volume now than it did at that time. A single-family residential neighborhood (Silver Thorne) sits approximately 400 feet north of the Cool Creek Commons shopping center, and can be accessed from Oak Road via 147<sup>th</sup> Street.

Comprehensive Plan: The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the properties as "Regional Commercial". The existing commercial center and proposed PUD District meets many of Comprehensive Plan's development policies for this area, including, but not limited to: (i) Reserve exclusively for regional commercial development; (ii) Permit regional commercial uses only in planned centers with consistent design and architectural style for each center; and (iii) require that buildings be designed to enhance the community character. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.



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### **Procedural**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standards. This petition is scheduled to receive its public hearing at the October 14, 2014, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Variance of Development Standard:** The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

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### **Recommendation**

**If the Board of Zoning Appeals is inclined to APPROVE the Variance,** then the Department recommends approval of the findings set forth below, with the following conditions:

**Recommended Conditions for Approval:**

1. The Monument Sign shall otherwise comply with all applicable sign standards of the Zoning Ordinance, as amended, for a Nonresidential Center Monument Sign (i.e. identifying with the City of Westfield, maximum sign height, sign area, etc.).
2. The Monument Sign shall be substantially similar to, or exceed, the quality, character and materials illustrated on the Proposed Sign Exhibit, attached hereto as **Exhibit 4.**
3. The Petitioner shall record an Acknowledgement of Variance with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of any subsequent sign permit for the Property.



Recommended Findings for Approval:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because monument signs are a permitted and contemplated use for a nonresidential center, and the monument sign will otherwise comply with the Zoning Ordinance's sign standards.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance(s) should not have a negative impact on surrounding properties because: (i) monument signs are permitted and the property will be used for its current commercial use; (ii) the parcel will otherwise comply with or exceed the applicable standards; and (iii) the approval of the variance will facilitate the viable and continued use of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** Strict adherence to the zoning ordinance would result in the inability to install the sign, as proposed. The use is permitted by the zoning ordinance and the proposed improvements and parcel would otherwise be permitted and comply with the zoning ordinance.

**If the Board of Zoning Appeals is inclined to DENY the Variance,** then the Department recommends approval of the findings set forth below:

Recommended Findings for Approval:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is likely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community because the requested sign exceeds the quantity of monument signs otherwise permitted by the Zoning Ordinance.



2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance(s) should not have a negative impact on surrounding properties because: (i) monument signs are permitted and the property will be used for its current commercial use; (ii) the parcel will otherwise comply with or exceed the applicable standards; and (iii) the approval of the variance(s) will facilitate the viable and continued use of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** Strict adherence to the zoning ordinance would not result in the inability to use the property or otherwise use the property for signs permitted by the Zoning Ordinance and previously granted variances.